

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LOUIS INGRAM, Jr.,**

**Defendant.**

<sup>1</sup> Defendant pled guilty to conspiring to possess with intent to distribute and to distribute in excess of 1.5 kilograms of cocaine base.

filing as a motion to vacate, set aside, or correct sentence, this Court denied Defendant's Petition as untimely. On September 27, 1999, the United States Court of Appeals for the Fourth Circuit affirmed this Court's ruling.

Defendant now asks this Court to clarify or correct the record to reflect the Court's intent that he be given credit on his federal sentence for the 19 months he served on his state court judgment prior to the imposition of his federal sentence.

Defendant makes his motion pursuant to Rule 36 of the Federal Rules of Criminal Procedure but entreats the Court to "look behind the label of [his] pro se motion to see if it may be cognizable under a different statutory framework." Rule 36 permits a federal district court to correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission. Defendant's allegations do not concern a true clerical error and Rule 36 is inapplicable.<sup>2</sup>

Neither the record nor this Court's personal recollection leads to the conclusion that this Court intended that Defendant receive credit for the 19 months he served on a state conviction prior to the imposition of his federal sentence. 18 U.S.C. § 3585 governs the calculation of a term of imprisonment. Section 3585(b) sets forth that "[a] defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences . . . that has not been credited against another sentence." Defendant admits that the nineteen months at issue were credited toward his state sentence. Consequently, per the plain terms of the statute, Defendant is not entitled to any relief.

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<sup>2</sup> Nor may Defendant attack his sentence under 28 U.S.C. § 2255 as such a motion would be successive.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Defendant's Motion for Clarification of the Record and/or Correction Pursuant to Rule 36 is **DENIED**.

Signed: June 6, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

